

HOUSE BILL NO. HB0106

Hemp-limitations on psychoactive substances-2.

Sponsored by: Representative(s) Lawley, Bear, Conrad,
Crago, Larson, JT, Neiman, Oakley, Penn,
Sommers and Washut

A BILL

for

1 AN ACT relating to hemp production and controlled
2 substances; prohibiting the addition of synthetic
3 substances or other additives to hemp; prohibiting the sale
4 of hemp with THC or psychoactive substances as specified;
5 providing and amending definitions; including naturally
6 occurring THC as a scheduled substance in the Controlled
7 Substances Act; making conforming amendments; requiring
8 rulemaking; and providing for effective dates.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 11-51-101(a)(iii), (vi), (vii) and by
13 creating a new paragraph (viii), 11-51-102(b), 11-51-103 by
14 creating a new subsection (f), 11-51-104(a)(intro), (iii),

1 (b), (d) and by creating a new subsection (e),
2 35-7-1014(d)(xxi) and 35-7-1063(b) are amended to read:

3

4 **11-51-101. Definitions.**

5

6 (a) As used in this chapter:

7

8 (iii) "Hemp" or "hemp product" means all parts,
9 seeds and varieties of the plant *cannabis sativa* L.,
10 whether growing or not, or a product, derivative, extract,
11 cannabinoid, isomer, acid, salt or salt of isomer made from
12 that plant with no synthetic substance and with a THC
13 concentration of not more than three-tenths of one percent
14 (0.3%) on a dry weight basis when using
15 post-decarboxylation or another similarly reliable testing
16 method;

17

18 (vi) "Process" means converting hemp into
19 another product that contains no synthetic substance and
20 that contains no more than three-tenths of one percent
21 (0.3%) THC on a dry weight basis when using
22 post-decarboxylation or another similarly reliable testing
23 method;

1

2

(vii) "THC" means:

3

4

(A) Tetrahydrocannabinol, the psychoactive component of the cannabis plant, with the scientific name trans-delta 9-tetrahydrocannabinol;

7

8

(B) Psychoactive analogs of tetrahydrocannabinol as defined by W.S. 14-3-301(a)(xi);

10

11

(C) Any psychoactive structural, optical or geometric isomers of tetrahydrocannabinol.

13

14

(viii) "Synthetic substance" means any synthetic THC, synthetic cannabinoid or any other drug or psychoactive substance.

17

18

11-51-102. Hemp as agricultural crop; use of hemp.

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(b) Notwithstanding the requirements of this chapter, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable except as provided in W.S. 11-51-103(f) and 14-3-310.

23

1

2 **11-51-103. Licensing; prohibited activities.**

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4 (f) No person or licensee shall:

5

6 (i) Produce, process or sell hemp or hemp
7 products containing more than three-tenths of one percent
8 (0.3%) THC on a dry weight basis when using
9 post-decarboxylation or another similarly reliable testing
10 method;

11

12 (ii) Add, alter, insert or otherwise include any
13 synthetic substance into hemp or hemp products produced,
14 processed or sold in accordance with this chapter.

15

16 **11-51-104. Enforcement; fees; penalties.**

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18 (a) The department shall perform inspections and
19 provide chemical sampling and analysis of production or
20 processing activities by licensees to determine compliance
21 with this chapter. The department may require verification
22 of effective disposal by licensees of hemp or hemp products
23 that contain synthetic substances or that contain in excess

1 of three-tenths of one percent (0.3%) THC on a dry weight
2 basis. For any sample, analysis or verification conducted
3 under this subsection, the department shall assess the
4 licensee fees as established by rule of the department, not
5 to exceed the following:

6

7 (iii) Two hundred fifty dollars (\$250.00) for
8 verification of effective disposal of hemp or hemp products
9 that contain synthetic substances or that contain in excess
10 of three-tenths of one percent (0.3%) THC on a dry weight
11 basis.

12

13 (b) Except as provided in subsection (e) of this
14 section, any licensee who violates any provision of this
15 chapter or any regulation promulgated pursuant to this
16 chapter shall be subject to a corrective action plan. The
17 corrective action plan may include reporting requirements,
18 additional inspections, suspension of a license, steps
19 necessary to restore a license, requirements related to
20 disposal of hemp or hemp products that contain in excess of
21 three-tenths of one percent (0.3%) THC on a dry weight
22 basis or providing notice of the violation to the
23 licensee's known creditors. The plan may require rendering

1 THC inaccessible by using hemp or hemp products as a soil
2 amendment material or by destruction of the hemp or hemp
3 product as authorized by rule of the department.

4

5 (d) If any person has three (3) or more violations of
6 this chapter or any regulation promulgated pursuant to this
7 chapter within five (5) years, the department shall revoke
8 the license and the person shall be ineligible for
9 licensure under this ~~article~~chapter for five (5) years.

10

11 (e) Any person who violates this chapter by
12 producing, processing or selling hemp or hemp products
13 containing any synthetic substance shall be ineligible for
14 licensure under this chapter.

15

16 **35-7-1014. Substances included in Schedule I.**

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18 (d) Hallucinogenic substances.-Unless specifically
19 excepted or unless listed in another schedule, any
20 material, compound, mixture or preparation which contains
21 any quantity of the following hallucinogenic substances,
22 their salts, isomers and salts of isomers whenever the
23 existence of these salts, isomers and salts of isomers is

1 possible within the specific chemical designation (for
2 purposes of this paragraph only, the term "isomer" includes
3 the optical, position and geometric isomers):

4
5 (xxi) Tetrahydrocannabinols; naturally occurring
6 or synthetic equivalents of the substances contained in the
7 plant or in the resinous extractives of Cannabis, sp.
8 and/or naturally occurring or synthetic substances,
9 derivatives and their isomers with similar chemical
10 structure and pharmacological activity such as the
11 following: delta 1 cis or trans tetrahydrocannabinol and
12 their optical isomers; delta 6 cis or trans
13 tetrahydrocannabinol and their optical isomers; delta 8 cis
14 or trans tetrahydrocannabinol and their optical isomers;
15 delta to the 3, 4 cis or trans tetrahydrocannabinol and its
16 optical isomers. Since nomenclature of these substances is
17 not internationally standardized, compounds of these
18 structures, regardless of numerical designation of atomic
19 positions are covered;

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21 **35-7-1063. Exceptions to provisions.**

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23 (b) As used in this section:

1

2 (i) "Hemp" or "hemp product" means all parts,
3 seeds and varieties of the plant cannabis sativa L. or a
4 product made from that plant with no synthetic substances
5 and with a ~~trans-delta-9-tetrahydrocannabinol (THC)~~ THC
6 concentration of not more than three-tenths of one percent
7 (0.3%) on a dry weight basis;

8

9 (ii) "Synthetic substance" means as defined by
10 W.S. 11-51-101(a)(viii);

11

12 (iii) "THC" means as defined by W.S.
13 11-51-101(a)(vii).

14

15 **Section 2.** The department of agriculture and the
16 commissioner of drugs and substances control shall
17 promulgate all rules necessary to implement this act.

18

1 **Section 3.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective immediately upon completion
5 of all acts necessary for a bill to become law as provided
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8 (b) Section 1 of this act is effective July 1, 2024.

9

10

(END)